761551N25A - SH - AD - 32A (11/02)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: July 27, 2006

FILE NO.:

FROM: JOHNNY G. JURADO, COMMANDER
LEADERSHIP & TRAINING DIVISION

TO: TODD S. ROGERS, CAPTAIN
CARSON STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS HIT SHOOTING, JANUARY 20, 2005, REVIEW #SH2138282**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on January 20, 2005.

The Committee met on July 27, 2006 and consisted of myself and Commanders Cecil W. Rhambo (FOR I) and Eric Smith (Leadership and Training Division). The Committee determined the use of force by Deputy Froilan Dinco #[redacted] was within Department policy.

Please advise the deputy of this finding.

JGJ:MAH:mh

Table of Contents

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date: 01-30-05	Bureau/Station/Facility: Carson Station	Admin. Invest.? [ ]	Hit? [X]

Incident Information

URN: 005-01257-1699-013	Date: 01-30-05 Time: 1330
City or Station: Los Angeles	Nature of Incident: An Officer Involved Shooting occurred after the suspect stabbed his girlfriend and crashed her car. The suspect was shot when he advanced on the deputy, brandishing a knife and refused commands to halt and drop the knife.
Location: [redacted] South Avalon Boulevard Los Angeles	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street**, Other: ____

Lighting (*circle only one*): Darkness, **Daylight**, Other, Street Lights

Weather (*circle only one*): **Clear**, Cloudy, Fog, Rain

Distance: 10-15 feet

Incident Type (*circle one or more*): Accidental, **Armed Person**, **Fleeing Suspect**, Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ____

Initiated by (*circle only one*): Arrest Warrant, **Call**, Observation, One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol**

Total # of Shots Fired by Deputy: 6 (six)

Total # of Shots Fired by Suspect: None

Aero Unit? [X] Canine Unit? [ ]

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*)	ShiftType (*circle only one*)
[redacted]	BOSKOVICH	MARC	A.	EM PM **Day**	**Regular** Overtime Off Duty
[redacted]	FARRELL	WILLIAM	W.	EM PM **Day**	**Regular** Overtime Off Duty
[redacted]	PACHOT	TONY		EM PM **Day**	**Regular** Overtime Off Duty

Non-Employee Witnesses

Last Name	[redacted]			First Name	[redacted]	M.I.	
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph	Home Ph [redacted]
Last Name	[redacted]			First Name	[redacted]	M.I.	[redacted]
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph [redacted]	Home Ph [redacted]
Last Name	[redacted]			First Name	[redacted]	M.I.	
Street Address	[redacted]	City	[redacted]	Zip Code	[redacted]	Work Ph	Home Ph [redacted]

Supervisors

Employee #	Last Name	First Name	M.I.	(*circle one or more*)
[redacted]	Johnson	Dale	R.	**On Duty**, Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Rice	Paul	S.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Panzone	Vicki	L.

PSTD Use Only

SH # SH 2138282

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
01-30-05	1410	03-09-06	

Employee #	Last Name	First Name	M.I
[redacted]	HARRIS	JOHN	W.
[redacted]	SMITH	RICHARD	
[redacted]	JENNSEN	CURTIS	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S/Vasquez	E/Dinco	OO					NN	
S/Vasquez	E/Dinco	UC					NN	
S/Vasquez	E/Dinco	OE					NN	
E/Dinco	S/ Vasquez	FH	BR	9	Y	Y	GS	CH

See Front Side



Officer Involved Shooting
Involved Employee Information

URN: 005-01257-1699-013

Involved Employee

E 1

Employee # [redacted]	Last Name: DINCO	First Name: FROILAN	M.I.
Sex: M Race: Asian	Rank: Deputy Sheriff	Unit Assignment: Carson Station	Work Assignment (Unit #, Module, etc.): 163A
ShiftTime (*circle only one*): EM PM (Day)	ShiftType (*circle only one*): (Regular) Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used: None
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☒	Coroner Case #: / Interviewed? ☒
Hrs of sleep prior to shooting: 7	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)	Other Factors:
Age: [redacted] Height: 5' 09"	Weight: 200		
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date: [redacted]	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] Number of Prior Shootings: [redacted]
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.
Field Training Officer Emp # [redacted]	Last Name [redacted]	First Name [redacted]	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E__

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case #: / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest	Other Factors:
Age: Height:	Weight:		
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ Number of Prior Shootings:
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.



Officer Involved Shooting Suspect Information

URN: 005-01257-1699-013

Suspect Information

S 1

Last Name: VASQUEZ	First Name: MARVIN	M.I.: D
AKA Last Name: Refer to Criminal History, Suspect has 7 aka's	First Name:	M.I.:

Sex: M Race: Hispanic	Street Address: [redacted]	City: [redacted]	State & Zip Code: [redacted]
Work Phone:	Home Phone: [redacted]	Social Security #:	Driver's License #: [redacted]
Age: 25 D.O.B. 5-30-79	Height: 5' 09" Weight: 170	FBI #: [redacted]	CII #: [redacted]
Booking #:	Primary Charge: 245(A)(1) PC	Secondary Charge: 664/187 PC	
Coroner Case? ☒	Coroner Case #: 2005-00886	Intoxication/Drug Usage? ☒	Substance Used: Methamphetamine / Amphetamine
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make: Nissan (CA, 3TAM700)	Model: Sentra	Year: 1996	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

S__

Last Name:	First Name:	M.I.:
AKA Last Name:	First Name:	M.I.:

Sex: Race:	Street Address:	City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #:	CII #:
Booking #:	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #:	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make:	Model:	Year:	

See Other Side

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
[redacted](FH/15)	[redacted]		[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]		
[redacted]	[redacted]		[redacted]	[redacted]		[redacted]

SUPPLEMENTAL EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Employee Witnesses

Last Name	First Name	M.I.	Street Address	Zip Code	Work Ph	Home Ph
KOCISKO (#[redacted])	MARK	A	SHERIFF'S AERO BUREAU		(562) 421-2701	
GAINES (#[redacted]	EUGENE		CARSON SHERIFF' STATION		(310) 830-1123	

Investigative Summary

Deputy Involved Shooting, Suspect Deceased
IAB File # SH 2138282
File # 005-01257-1699-013

On Sunday, January 30, 2005, Sergeant John Harris, Sergeant Rick Smith and Lieutenant Curtis Jensen of the Internal Affairs Bureau responded to the Sheriff's Department command post at the corner of Lomita and Avalon Boulevard in the city of Los Angeles. IAB Investigators were tasked with conducting an administrative review into the circumstances surrounding a deputy involved shooting.

Involved Personnel:

Froilan Dinco, Deputy Sheriff #[redacted] Field Operations Region II Carson Station

Work History:

Date of Employment: 02-08-1991
Date Assigned to Patrol: [redacted]
Completed Patrol Training:
Prior Shooting Incident(s):
Prior Founded Force Incidents:

Suspect / Criminal History:

Marvin D. Vasquez, MH, DOB: 05-03-1979, [redacted] Suspect Vasquez was a validated member of the 'Wilmington' criminal street gang. The suspect had [redacted] starting when he was a juvenile. Amongst these [redacted] and [redacted] facility. The suspect was [redacted] under Case #NA041270 [redacted] (Refer to **Exhibit C, for Criminal History**)

Civilian Witnesses:*

[redacted]

* Refer to **Officer Involved Shooting Form, Non-Employee Witnesses** for additional information.

Employee Witnesses:

Deputy Sheriff Marc Alan Boskovich #[redacted] Carson Station
Deputy William Wayde Farrell #[redacted] Carson Station
Deputy Tony Pachot #[redacted] Aero Bureau
Deputy Todd Kocisko #[redacted] Aero Bureau

Injuries:

On 02-02-2005, Dr. Yulai Wang, of the Los Angeles County Coroner's Office s conducted an autopsy of Suspect Marvin Daniel Vasquez. Dr. Wang indicated the suspect had a total of five separate and distinct gunshot wounds. The cause of death was ascribed to multiple gunshot wounds, **Refer to Homicide Investigation, Autopsy Report,** beginning on page 77.

Physical Evidence, Evidence Held:

A knife was recovered from the #1 south bound lane of Avalon Boulevard. A 5' Garden rake with a white wood handle and black metal prongs was located in the front yard of the residence of [redacted] Additionally six (6) expended 9 mm shell casing. Head stamped "Win 9mm luger," were located at the scene, **Refer to Homicide Investigation, Evidence List** beginning on page 71 **and Crime Scene Diagram,** page 73.

Investigators Observations, Scene Description:

This section of Avalon Boulevard is located in the city of Wilmington. It is a heavily traveled four lane street that runs in a north/south direction. There is a double solid line separating north and south lanes of Avalon Boulevard. It is primarily a residential area with apartment buildings, duplexes and single family residences on both the east and west sides of the street. It is bordered by Bonds Street to the north and 246th Street to the south. There are sidewalks and curbside parking that parallel Avalon Boulevard on both sides of the street.

On the east side of the street is a single family residence located at [redacted]. There is a [redacted] that extends in a north south direction across the front of the property. On the south side of the front yard was a 5' garden rake (Ev-9). Investigators had been told in the briefing that the suspect was seen carrying the rake prior to the shooting.

A Sheriffs Patrol Car #SD3370 was stopped in the #1 lane of north bound Avalon Boulevard. It was parked in a north, slightly west direction. Looking east from the car, it was between the property line of [redacted] and [redacted]. The driver's door was open and there were keys in the ignition.

Scattered on the ground north of the car was an opened knife (Ev. #1) and six expended 9mm shell casings (Ev. #2-7). The shell casings were in the south bound lanes of Avalon Boulevard beginning at the center of the property at [redacted] and continue north through the north property line of the same address. There was clothing (Ev-8) on the ground. These clothes were apparently worn by the suspect and was removed by paramedics while treating him at the scene.

Investigators observed a large blood spot (Photographed Item #A) on Avalon Boulevard just west of the double lines between houses [redacted] to the west and [redacted] to the east.

There was also paramedic debris strewn on the ground, **Refer to Homicide Investigation, Evidence List** beginning on page 71 **and Crime Scene Diagram,** page 73.

Weapon Used by Deputy Personnel:

Deputy Froilan Dinco fired six rounds of Department issued ammunition from a Department issued Beretta, Model 92F, 9mm, semiautomatic pistol. Serial # BER [redacted] Z. Six spent casing were recovered from the scene.

Weapon Used by Suspect Vasquez:

Suspect Vasquez was armed with a folding knife, with a 4" stainless steel blade with a serrated edge, "Flying Falcon, Green Beret" model.

Property Damage:

No property damage reported.

Criminal Investigators and Status of Investigation:

Sheriff Department Homicide Bureau Investigators, Detective Dawn Rretzlaff, #[redacted] and Detective Mark Lillienfeld, #[redacted] were the lead investigators in the criminal investigation. At this point in time, the criminal investigation is concluded and stands inactive. Homicide Investigators opined that the suspect's conduct prior to the shooting is consistent with that of a suicidal person

On August 24, 2005, Deputy District Attorney William H. Johnson, of The Los Angeles County District attorney's Justice System Integrity Division, authored a written response, in which he wrote, **"Marvin Vasquez's actions placed Deputy Froilian Dinco in imminent danger of great bodily injury and death. We find that the Deputy Dinco's use of deadly force was both reasonable and necessary and that he acted in self-defense. Therefore we are closing our file and will take no further action in this matter." (Refer to Exhibit D)**

Lighting and Weather Conditions:

The shooting occurred at approximately 1:30 P.M.. The weather was clear and sunny, with natural lighting.

Statements of Involved Employee:

The following represents a summarization of the interviews conducted by Homicide Detectives.

Froilan Abceoe Dinco: Deputy Dinco stated he was at Carson Sheriff's Station, when he heard radio traffic via Dispatch 9 that other deputies assigned to Carson Sheriff's Station were "Code 9" (following) behind an assault with a deadly weapon (ADW) suspect vehicle.

Deputy Dinco began driving from Carson Sheriff's Station to the general area of Avalon Boulevard and Bonds Street when he heard radio traffic that the suspect had a traffic collision around the area of Marine and 245th Street. Deputy Dinco then took a containment position near the intersection of Avalon Boulevard and 248th Street. Outside his vehicle at his containment position, he saw Deputy Farrell standing in and around the area of 244th or 245th Street, just south of the railroad tracks on Avalon Boulevard.

While listening to radio traffic, Deputy Dinco heard that the suspect was running eastbound from Fries Avenue toward Avalon Boulevard. Due to the fact that Deputy Dinco is familiar with the area, he stayed at his containment position and watched as Deputy Farrell began pointing in a northbound direction. At this point in time, he got back into his patrol unit and parked his vehicle in the number one lane, northbound on Avalon Boulevard.

Deputy Dinco then heard Deputy Kocisko, who was the observer in "Air 7" (helicopter) advise him that the suspect was headed in his direction. Deputy Dinco then observed several people running away from his general area and turned to see the suspect holding a white stick or pipe that was approximately four to 5 feet long in the front yard of a residence on Avalon Boulevard.

Deputy Dinco told the suspect to "stop" and watched as the suspect threw the stick / pipe to the ground. As Deputy Dinco was watching the suspect, he drew his departmentally-issued handgun and watched as the suspect was crossing east to west across Avalon Boulevard, and south of Deputy Gaines. He stated that Deputy Gaines was positioned north of his location around the area of Bonds Street and Avalon Boulevard.

Deputy Dinco stated that he gave several orders to the suspect to stop, but the suspect did not obey his orders. As Deputy Dinco continued to issue orders, the suspect continued walking toward him stating, "Fuck you, motherfucker! Fuck you!"

Deputy Dinco then positioned himself in front of his vehicle continuing to order the suspect to stop and drop the knife. Deputy Dinco saw that the suspect had a knife in his right hand and was holding it at chest level as he was coming toward him.

Deputy Dinco stated that when he first began issuing the suspect orders, the suspect was approximately 25 feet away. He stated that despite the fact that he continued to give him orders to stop and drop the knife, the suspect continued to close the distance at a rapid pace. Due to the fact that the suspect would not comply with his verbal commands, Deputy Dinco became extremely frightened and fired "three to four" rounds at the suspect. At this time he heard the suspect say, "Oh shit," and he (Dinco) took several steps back.

The suspect began to advance yet again in Deputy Dinco's direction and again stated, "Fuck you, motherfucker!" Deputy Dinco reassessed the situation, backed up several steps, and again fired his duty weapon. Immediately after the shooting took place, Deputy Dinco stated that he asked the suspect, "Why didn't you listen to me? Why didn't you obey my commands?"

Deputy Dinco recalled that the first volley of shots occurred when the suspect was approximately 10 to 15 feet north of his location on Avalon Boulevard, and he recalled firing only three to four shots. He then recalled that the second volley of shots was as the suspect continued to advance and was approximately again 10 to 15 feet just north of his location. He stated that during this entire incident, he continued to back up and believed the suspect would have stabbed him with the knife if he had the opportunity.

Employee Witnesses:

Deputy Sheriff Marc Alan Boskovich: Deputy Boskovich indicated he was in a marked black and white radio car with his partner, Deputy William Wayde Farrell. Deputy Boskovich stated they overheard a radio call at approximately 1300 hours of an assault with a deadly weapon, just occurred.

He related that the address was in the 24800 block of South Fries Avenue and the victim was at the location. He further related that he could tell from the radio traffic that Deputies Resendez and Milroy were at the scene with Los Angeles County firefighter paramedics treating the victim.

Deputy Boskovich stated that a radio broadcast was initiated and the suspect was described as being in a white Nissan with a license plate that was articulated in the broadcast. He stated it was also broadcast the suspect was possibly headed toward the Wilmington area. Deputy Boskovich and his partner, Deputy Farrell, decided to check the Wilmington area in case the suspect showed up. Wilmington is an area south of Carson, within the city of Los Angeles.

Deputy Boskovich stated that as they were headed toward the Carson / Wilmington area, they heard emergency radio traffic and responded to the area of that traffic. He stated that this traffic indicated the suspect's vehicle had crashed into a light pole in the 24800 block of Fries Avenue and that neighbors had indicated the suspect was last seen jumping fences and going eastbound through some backyards from that location toward Avalon Boulevard.

Deputy Boskovich and his partner responded to the scene of the car crash. Deputy Boskovich stated that he got out on foot and started going in that direction through yards and over fences. He stated that Marine Avenue is the next north / south residential street directly east of Fries Avenue and when he reached that area, he was told by neighbors, as well as the radio traffic, that the suspect was continuing eastbound toward Avalon. He further related that he heard radio traffic indicating the suspect was still armed with a knife at that time.

Deputy Boskovich stated he ultimately was able to make his way to Avalon Boulevard and he found himself in the rear alley behind the home located at [redacted] This alley would have been just west of Avalon Boulevard. Deputy Boskovich stated he was on the west side of Avalon Boulevard and he heard radio traffic that the suspect was running eastbound toward Avalon Boulevard. He stated he was south of the suspect when he first spotted him. He said the suspect ran eastbound and did a loop or U-turn in the middle of the street. The suspect appeared to be walking somewhat in a circle in the middle of Avalon Boulevard. He stated the suspect ran from the east side of Avalon Boulevard in a westbound direction and that he ran around a radio car that had been parked in the northbound lanes of traffic by Deputy Dinco.

Deputy Boskovich stated that when he first saw Deputy Dinco, he (Deputy Dinco) was north and west of his (Deputy Dinco's) radio car. He stated that Deputy Dinco had his gun in his hands and was pointing it at the suspect and yelling commands to him that included for him to "drop the knife." Deputy Boskovich stated that the suspect had his fists clenched at his sides and his arms were down toward his waist area. He stated he was actually south and west of the suspect, and Deputy Dinco was north and east of the suspect. Deputy Boskovich stated that he was actually in the line of fire of Deputy Dinco, were he to shoot at the suspect, and he attempted to get out of the line of fire by running northbound on Avalon Boulevard along the west side, on the parkway.

Deputy Boskovich indicated that he saw the suspect "lunge" toward Deputy Dinco, and he watched as Deputy Dinco continued backing up in a north and east direction from the front of his radio car. He stated that as he was backing up, he (Dinco) fired at least two rounds at the suspect. He stated that during this entire incident, he could see Deputy Dinco and hear that he was yelling at the suspect to, "Get down on the ground." He further related that after Deputy Dinco fired the first volley of shots, the suspect was bent at the waist but continued to "lunge" toward Deputy Dinco.

Deputy Boskovich stated that after the first volley of shots and the lunging of the suspect, Deputy Dinco continued backing up and fired two or three more shots. He stated at that point in time, the suspect then fell down onto the ground. He said the suspect was laying down on the ground with his arms to the side. He further related that as he ran up toward the suspect, he could see that he was bleeding quite a bit from his left upper back.

Deputy Boskovich stated that he and Deputy Farrell then handcuffed the suspect. He could tell at that time that the suspect was breathing. While doing a search of the suspect for other weapons, Deputy Boskovich indicated that he removed an identification card and small black phonebook from the suspect's pocket. These items were ultimately given to Detectives and maintained in the case file. He stated he also saw a knife lying in the street approximately 2 feet south of the suspect's position. This knife was in the open position and was a small pocket type knife.

Deputy William Wayde Farrell: Deputy Farrell stated that his normal assignment is as a Park Enforcement Team member working uniformed patrol. He stated that earlier in the day, he was assigned to work Unit 167F with Deputy Boskovich.

Deputy Farrell went on to state that at approximately 1300 hours, they heard a radio call of an "assault with a deadly weapon, boyfriend stabbed girlfriend in the leg.' He stated that they responded to the location of this call, which was the 24800 block of South Fries Avenue. He further related that prior to arriving there, they were directed to check the area of Wilmington, as the suspect's clothing and vehicle descriptions were broadcast, and it was believed he was possibly headed in that direction.

Deputy Farrell further related that they then heard radio traffic indicating that the suspect had driven past the location and was on Fries Avenue. Deputy Farrell stated that the suspect crashed his car somewhere on Fries Avenue north of where he thought the incident occurred, and was last seen running eastbound through the yards.

He and Deputy Boskovich responded to the scene of the car crash and started climbing over fences and walking through yards in an easterly direction from the 24500 block of South Fries Avenue. He stated as they were doing so, several witnesses pointed in an easterly direction indicating that the suspect had gone that way. He further related that he heard radio traffic that the suspect was seen somewhere in the 24500 block of South Avalon Boulevard, on the east side of the street. Deputy Farrell stated that witnesses said the suspect ran eastbound and into an alley east of Avalon Boulevard.

Deputy Farrell said he heard two shots and then ran northbound on Avalon Boulevard. He stated he was on the east sidewalk running in a northbound direction. He heard Deputy Dinco yelling at the suspect to lie down and then heard two more gunshots. He stated he then saw Deputy Dinco yelling and pointing his gun at the suspect. He further related that the radio car (Dinco's) was south of the suspect's position. He said that his partner, Deputy Boskovich, was running on the west side of Avalon Boulevard in a northbound direction during this time.

Deputy Farrell could not estimate exactly where Deputy Dinco was standing at the time this incident occurred. He did say that Deputy Dinco was approximately "one lane away" from the suspect. He did not hear the suspect say anything, and Deputy Dinco was very upset and pacing around after the shooting. He overheard Deputy Dinco say, "God damn it, why didn't you listen to me? Why didn't you just lie down?"

Deputy Tony Pachot: Deputy Pachot stated that on this particular incident, he was flying the "Air 7" helicopter and Deputy Todd Kocisko was his observer. Deputy Pachot stated that at 1310 to 1315 hours, he overheard an assault with a deadly weapon call in Carson's area. While flying to this particular location, Deputy Pachot also heard that the suspect had fled in a vehicle and Carson units were "Code 9".

As Deputies Pachot and Kocisko were flying overhead in the containment area, both Deputy Kocisko and Deputy Pachot saw a male matching the description of the suspect running eastbound across Avalon Boulevard. Deputy Kocisko then directed Carson Sheriff's Station units to the suspect's general area and advised them that the suspect grabbed a 3 to 4 foot pipe. During this time Deputies Kocisko and Pachot also witnessed the suspect running through yards and gates, sending various civilians running in different directions.

Deputy Pachot watched as he observed the suspect run southbound past the radio car on Avalon Boulevard and observed Deputy Dinco get out of his vehicle (driver's side) and walk towards the suspect. Deputy Pachot stated that he then watched as the suspect advanced towards Deputy Dinco's position. Deputy Pachot stated he did not see the actual shooting but saw the suspect fall to the ground.

Deputy Pachot was adamant that he saw the suspect running towards Deputy Dinco, and Deputy Dinco continued backing up just prior to seeing the suspect fall to the ground. He stated during that time, he watched as the suspect "lunged" at Deputy Dinco several times with his arms in a "slicing motion". Deputy Pachot recalled that the suspect was approximately 30 to 40 feet northeast of the radio car when the incident began, and at the conclusion of the incident, he was approximately 4 to 5 feet away from Deputy Dinco. During the entire incident Deputy Pachot stated he was approximately 400 to 500 feet above ground level.

Deputy Todd Kocisko: Deputy Kocisko stated he is a pilot, but was working the date of the incident as an observer with Deputy Pachot. Deputy Kocisko stated he heard that Carson Sheriff's Station patrol were Code 9, (following a suspect) in a vehicle. He stated he also heard that the vehicle had crashed into a light pole and the suspect was now on foot traveling in an eastbound direction. Deputy Kocisko stated that he and Deputy Pachot responded via their helicopter and arrived within approximately a minute and a half. He said that they assisted in setting up a containment, and he was communicating with the ground units (via the patch) talking on Carson's dispatch frequency, which is Dispatch 9.

Deputy Kocisko first observed the suspect east of Avalon Boulevard. This man was wearing short black pants, no shirt, had a shaved head and was Hispanic. He said the suspect was walking and running in a zigzag pattern northbound through the alley. He attempted to coordinate the ground units by identifying them using the rooftop numbers on the radio cars.

Deputy Kocisko watched as the suspect walked through a gate and alongside a house, walking in a westbound direction towards Avalon Boulevard. He said the suspect picked up what appeared to be a pipe or piece of PVC tubing that was white or silver in color. Deputy Kocisko estimated that its length was 4 to 5 feet. (In fact what the suspect had picked up was a yard rake that had a white, approximate 5-foot, wooden handle.)

Deputy Kocisko watched as the suspect walked to the front yard of a residence on the east side of Avalon Boulevard.

There were four or five people in this front yard and they appeared to scatter as the suspect walked into the front yard. He stated that he continued watching as the suspect dropped what he thought was a pipe in the front yard. The suspect then walked westbound towards the street and ran southbound on Avalon Boulevard. He said that in the middle of Avalon Boulevard, the suspect initiated a U-turn on foot and then started running and walking northbound on Avalon Boulevard.

Deputy Kocisko stated that he could see that Deputy Dinco was out of his radio car and giving commands to the suspect. Deputy Kocisko stated that the suspect appeared to be waving his arms wildly and was moving them in what appeared to him to be "slashing motions." He stated that Deputy Dinco continued backing up and holding his weapon in a "combat stance." He further related the suspect then fell down and was holding his stomach. Deputy Kocisko indicated that because of the helicopter noise and the distance that they were above the incident, he could not actually hear or see the gunshots. He did indicate that he knew the suspect had been shot and he immediately requested paramedics via sheriff's radio.

Deputy Kocisko said the suspect originally was spotted by him outside of the containment, that being the east side of Avalon Boulevard. He further related that the suspect appeared to run or jog in a somewhat slow manner as he was watching his activities.

Deputy Kocisko stated that he was able to communicate with Deputy Dinco regarding the suspect's conduct and activities by identifying Deputy Dinco through the rooftop number on top of his radio car. Deputy Kocisko saw other deputies handcuff the suspect immediately after he fell to the ground and then watched as the deputies attempted to aid the suspect.

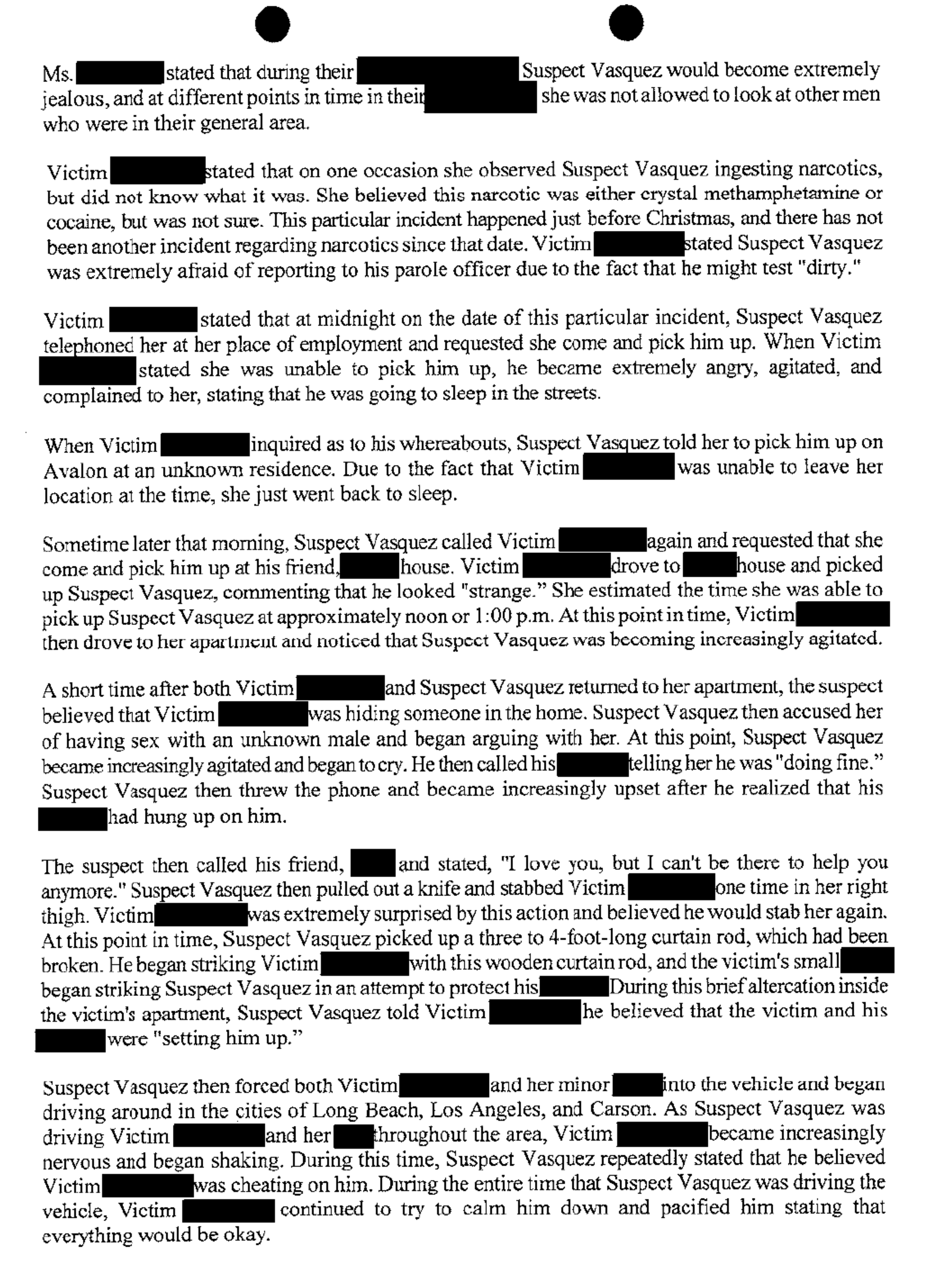
Deputy Eugene Gaines Deputy Gaines stated that he is currently assigned to Unit #167A and was on a containment spot at Bonds Street and Avalon Boulevard. He stated that this particular position was a containment position and was just north of the railroad tracks on the west side of the street, north of where the shooting occurred.

Deputy Gaines stated that he saw the suspect running on the east side of Avalon Boulevard and watched as the suspect ran in a northwest direction. He then saw the suspect begin to run southbound on Avalon Boulevard towards his location, then run in a southwest direction towards a residential area. Due to the fact that Deputy Gaines was concerned the suspect might be able to get outside the containment area, he ran back to his vehicle so he could have a better vantage point of the north side of the perimeter.

Deputy Gaines described the suspect as being a male Hispanic, with dark pants and no shirt. He could hear radio traffic from the helicopter overhead, directing other deputies to the suspect's exact location. At this point in time, Deputy Gaines stated that he heard two "pops", which he later realized were gunshots, and saw Deputy Dinco standing over the suspect.

Interview of Victim [redacted]

[redacted] FH/21, Ms. [redacted] stated she was the [redacted] of Suspect Marvin Vasquez and was the assault victim. Ms. [redacted] stated she had a [redacted] with Suspect Vasquez for approximately three months. Ms [redacted] said that when Suspect Vasquez was not staying with her, he lived at his [redacted]



Ms. [redacted] stated that during their [redacted] Suspect Vasquez would become extremely jealous, and at different points in time in their [redacted] she was not allowed to look at other men who were in their general area.

Victim [redacted] stated that on one occasion she observed Suspect Vasquez ingesting narcotics, but did not know what it was. She believed this narcotic was either crystal methamphetamine or cocaine, but was not sure. This particular incident happened just before Christmas, and there has not been another incident regarding narcotics since that date. Victim [redacted] stated Suspect Vasquez was extremely afraid of reporting to his parole officer due to the fact that he might test "dirty."

Victim [redacted] stated that at midnight on the date of this particular incident, Suspect Vasquez telephoned her at her place of employment and requested she come and pick him up. When Victim [redacted] stated she was unable to pick him up, he became extremely angry, agitated, and complained to her, stating that he was going to sleep in the streets.

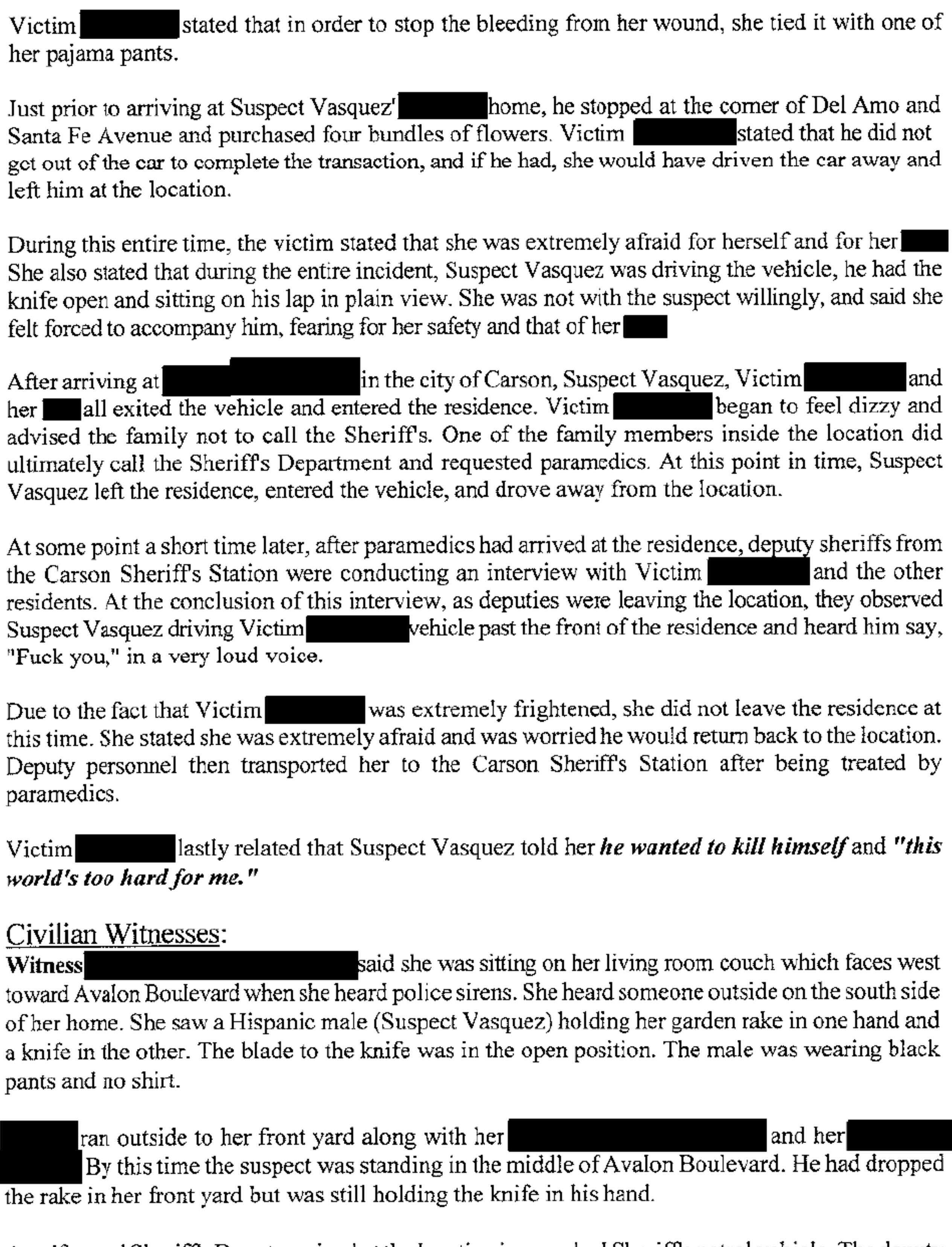
When Victim [redacted] inquired as to his whereabouts, Suspect Vasquez told her to pick him up on Avalon at an unknown residence. Due to the fact that Victim [redacted] was unable to leave her location at the time, she just went back to sleep.

Sometime later that morning, Suspect Vasquez called Victim [redacted] again and requested that she come and pick him up at his friend, [redacted] house. Victim [redacted] drove to [redacted] house and picked up Suspect Vasquez, commenting that he looked "strange." She estimated the time she was able to pick up Suspect Vasquez at approximately noon or 1:00 p.m. At this point in time, Victim [redacted] then drove to her apartment and noticed that Suspect Vasquez was becoming increasingly agitated.

A short time after both Victim [redacted] and Suspect Vasquez returned to her apartment, the suspect believed that Victim [redacted] was hiding someone in the home. Suspect Vasquez then accused her of having sex with an unknown male and began arguing with her. At this point, Suspect Vasquez became increasingly agitated and began to cry. He then called his [redacted] telling her he was "doing fine." Suspect Vasquez then threw the phone and became increasingly upset after he realized that his [redacted] had hung up on him.

The suspect then called his friend, [redacted] and stated, "I love you, but I can't be there to help you anymore." Suspect Vasquez then pulled out a knife and stabbed Victim [redacted] one time in her right thigh. Victim [redacted] was extremely surprised by this action and believed he would stab her again. At this point in time, Suspect Vasquez picked up a three to 4-foot-long curtain rod, which had been broken. He began striking Victim [redacted] with this wooden curtain rod, and the victim's small [redacted] began striking Suspect Vasquez in an attempt to protect his [redacted] During this brief altercation inside the victim's apartment, Suspect Vasquez told Victim [redacted] he believed that the victim and his [redacted] were "setting him up."

Suspect Vasquez then forced both Victim [redacted] and her minor [redacted] into the vehicle and began driving around in the cities of Long Beach, Los Angeles, and Carson. As Suspect Vasquez was driving Victim [redacted] and her [redacted] throughout the area, Victim [redacted] became increasingly nervous and began shaking. During this time, Suspect Vasquez repeatedly stated that he believed Victim [redacted] was cheating on him. During the entire time that Suspect Vasquez was driving the vehicle, Victim [redacted] continued to try to calm him down and pacified him stating that everything would be okay.



Victim [redacted] stated that in order to stop the bleeding from her wound, she tied it with one of her pajama pants.

Just prior to arriving at Suspect Vasquez' [redacted] home, he stopped at the corner of Del Amo and Santa Fe Avenue and purchased four bundles of flowers. Victim [redacted] stated that he did not get out of the car to complete the transaction, and if he had, she would have driven the car away and left him at the location.

During this entire time, the victim stated that she was extremely afraid for herself and for her [redacted] She also stated that during the entire incident, Suspect Vasquez was driving the vehicle, he had the knife open and sitting on his lap in plain view. She was not with the suspect willingly, and said she felt forced to accompany him, fearing for her safety and that of her [redacted]

After arriving at [redacted] in the city of Carson, Suspect Vasquez, Victim [redacted] and her [redacted] all exited the vehicle and entered the residence. Victim [redacted] began to feel dizzy and advised the family not to call the Sheriff's. One of the family members inside the location did ultimately call the Sheriff's Department and requested paramedics. At this point in time, Suspect Vasquez left the residence, entered the vehicle, and drove away from the location.

At some point a short time later, after paramedics had arrived at the residence, deputy sheriffs from the Carson Sheriff's Station were conducting an interview with Victim [redacted] and the other residents. At the conclusion of this interview, as deputies were leaving the location, they observed Suspect Vasquez driving Victim [redacted] vehicle past the front of the residence and heard him say, "Fuck you," in a very loud voice.

Due to the fact that Victim [redacted] was extremely frightened, she did not leave the residence at this time. She stated she was extremely afraid and was worried he would return back to the location. Deputy personnel then transported her to the Carson Sheriff's Station after being treated by paramedics.

Victim [redacted] lastly related that Suspect Vasquez told her ***he wanted to kill himself*** and ***"this world's too hard for me."***

Civilian Witnesses:

Witness [redacted] said she was sitting on her living room couch which faces west toward Avalon Boulevard when she heard police sirens. She heard someone outside on the south side of her home. She saw a Hispanic male (Suspect Vasquez) holding her garden rake in one hand and a knife in the other. The blade to the knife was in the open position. The male was wearing black pants and no shirt.

[redacted] ran outside to her front yard along with her [redacted] and her [redacted] By this time the suspect was standing in the middle of Avalon Boulevard. He had dropped the rake in her front yard but was still holding the knife in his hand.

A uniformed Sheriff's Deputy arrived at the location in a marked Sheriff's patrol vehicle. The deputy exited his vehicle and shouted several commands at the suspect telling him to drop the knife and get down on the ground. The suspect ignored the commands, walked around in circles and appeared agitated.

At one point, the suspect raised the knife above his head. The deputy continued yelling commands at the suspect. The suspect then walked at the deputy with the knife still in hand.

[redacted] estimated the suspect to be approximately eight feet from the deputy and still walking toward him. The deputy fired a couple shots at the suspect in quick succession apparently striking the suspect. The suspect fell to the ground. [redacted] told Investigators that she would have been in fear for her life if she had been in the deputies position. She said "I feel for that cop, I really did and feel very bad for him for the predicament he was in. My heart goes out. I've lived on Avalon Boulevard for 35 years and I've never seen a cop's life in jeopardy before. I feel sorry for him."

Witness [redacted] said he was inside his home preparing lunch when he heard the sounds of several police sirens outside his home as well as a helicopter overhead. [redacted] stepped outside the side door on the north side of his home. He saw the suspect standing near a tree on the west side of Avalon Boulevard north of his property.

A uniformed deputy sheriff was standing outside of his marked patrol vehicle in the middle of Avalon Boulevard just north of [redacted] property. The suspect was holding an unknown object in his hand. The deputy shouted commands 2 -3 times at the suspect get down and drop the object.

The suspect then ran east across Avalon Boulevard toward the deputy. The deputy side stepped to get away from the suspect and repositioned toward the front of his vehicle. The suspect appeared frustrated. He clenched his fists and snapped his arms down to his sides. The suspect then lunged forward toward the deputy. He got within ten feet from the deputy when the deputy fired several shots striking the suspect. [redacted] estimated the time from when he first saw the suspect on the west side of Avalon Boulevard near the tree to the time the shooting occurred to be 10 - 15 seconds.

Witness [redacted] said she was inside her room at her residence around 1330 hours. She overheard her [redacted] in the living room telling someone "We have kids, we don't want any problems can you please get out." [redacted] walked out to the living room and saw a Hispanic male wearing black pants and no shirt. This male had a tattoo across his stomach and was sweating profusely. The male was holding a knife in his hand in the open position and was trying to conceal it in the palm of his hand.

The male told [redacted] that he had kids too. [redacted] then walked in the room and told the male "Can you please get out." The male then walked out of the house. [redacted] walked to her room to call the police. A couple minutes later she heard gunshots outside. She walked outside and saw the same male that entered her house with the knife now lying on Avalon Boulevard. She did not witness the shooting.

Witness [redacted] said he was with some family member returning from church. They stopped at "Dominicks Restaurant" (24209 Avalon Boulevard, Carson 310 834-8990) to eat lunch. He said he was outside the restaurant having a cigarette. He said his [redacted] was also outside the restaurant.

Mr [redacted] said he suddenly saw numerous patrol cars arriving on Avalon Boulevard. He also saw a helicopter circling overhead.

He said he saw four patrol cars arrive and watched as the deputies got out of the cars. He said suddenly a male Hispanic ran from the east side of Avalon Boulevard west, into the street toward the deputies. He described the male running as in what resembled an "S" pattern, and suggested the male may have been confused. He said the deputies seemed startled when they saw him. Mr [redacted] said he did not think the deputies knew he was there when they arrived.

Mr [redacted] said he saw two deputies coming from the north east toward the male. He said they had their hands on their guns. He said he next heard several gunshots in rapid succession. He estimated he heard more than four shots, but less than ten. He believed both deputies shot the male. He said the male turned slightly, and [redacted] saw a "glint of metal" from an object in the male's right hand, which he held near his waistband. The male then fell to the ground and paramedics later arrived and began treating him.

When asked, Mr [redacted] said he did not hear either the male Hispanic or the deputies say anything prior to the shooting. When asked, [redacted] said the male could have fled the scene. He said it seemed as if "He wanted to get shot."

Witness [redacted] Mr. [redacted] said he was with several family members at "Dominicks Restaurant" on Avalon Boulevard. He said he was outside the restaurant and saw numerous Sheriffs' patrol cars driving up and down Avalon Boulevard. He said a patrol car eventually stopped north of the railroad tracks on Avalon Boulevard. He said three other patrol cars stopped south of the tracks a short distance from the first patrol car. He said the deputies appeared to be blocking the street from both north and south traffic.

Mr [redacted] said the deputy on the north side of the tracks was directing pedestrians to "get back," when a male Hispanic ran from the east side of Avalon Boulevard into the street. He said the deputy on the north side of the railroad tracks began chasing the male. He said the male and the deputy ran in the street in a hap-hazzard pattern, eventually heading toward the other deputies. He said as the male Hispanic ran, he held his right hand near his waistband. He said another deputy shot the male as he was running. Mr [redacted] said he heard three shots and ducked down. He did not have anything further to add so the interview was concluded.

Witness [redacted] stated that at approx. 1400 hours, he was driving his vehicle northbound in the number one lane on Avalon Boulevard. He stated that he was approximately 500 yards south of Sepulveda Boulevard, (south of the railroad tracks).

As he was traveling northbound on Avalon Boulevard just passing Lomita, he observed a Sheriff's helicopter overhead. He stated that at this point in time, several vehicles were driving northbound in front of him and they continued northbound, not yielding for deputy personnel.

Mr. [redacted] stated he watched as a uniformed deputy sheriff stopped and exited a marked Sheriff's vehicle. This person was later identified as Deputy Dinco. He stated that Deputy Dinco exited the vehicle and confronted a male Hispanic, whom he described as 6 feet tall, wearing dark pants and tennis shoes.

He watched as the suspect ran eastbound across Avalon Boulevard and then stopped. The suspect then turned around and ran back southbound, toward Deputy Dinco. He stated that as the suspect turned around, Deputy Dinco was giving him commands to "stop" and "get on the ground."

Mr. [redacted] stated that after the second or third time that Deputy Dinco issued these commands and the suspect did not comply, Deputy Dinco shot the suspect two to three times. He stated that the suspect hesitated and then began to run again, and at this point in time, Deputy Dinco shot him an additional two to three times. He stated that as the suspect fell to the ground, Deputy Dinco walked up and "shot him in the back."

Mr. [redacted] stated that he was approximately 40 to 45 feet away from this entire incident and he had a clear view. During the entire interview, Mr. [redacted] referred to Deputy Dinco as "they," and when questioned by Detective Retzlaff as to how many shooter deputies there were, he replied, "Only one," and he resembled an "Asian." Deputy Dinco is Filipino.

Immediately after the shooting, Mr. [redacted] recalled an additional deputy sheriff wearing a white polo shirt run up to the suspect and point his gun at the suspect's head.

Mr. [redacted] stated that during the incident, he intermittently ducked down on the front seat of his vehicle because he was extremely frightened and did not want to be struck by gunfire.

During the latter part of this conversation, Mr. [redacted] ***changed his statement*** and said that the suspect had nothing in his hands. He also stated that he felt he must speak up for the suspect's "family's interest."



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

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August 24, 2005

Captain Raymond Peavy
Homicide Bureau
Los Angeles Sheriff's Department
5747 Rickenbaker Road
Commerce, California 90040

In Re: J.S.I.D. File #: 05-0068
L.A.S.D. File #: 005-01257-1699-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the January 30, 2005 fatal shooting of Marvin Vasquez by Los Angeles County Sheriff's Deputy Froilan Dinco. We have concluded that Deputy Dinco acted lawfully in self-defense during this incident.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD), Homicide Bureau, and submitted to this office on June 14, 2005 by Detectives Mark Lillienfeld and Dawn Retzlaff. The District Attorney's Command Post was notified of this incident and Deputy District Attorney Michael Pettersen and District Attorney Senior Investigator [redacted] immediately responded to the scene. They were given a briefing and a walk-through of the scene by investigators. No compelled statements were considered as part of this analysis.

FACTUAL ANALYSIS

On January 30, 2005 at approximately 1:00 p.m., Marvin Vasquez stabbed his [redacted] in the right thigh at her home in Long Beach. During the time they were together on this day, Vasquez threatened to kill her several times. After stabbing [redacted] Vasquez struck her repeatedly with a curtain rod. He then kidnapped her and her [redacted] and took them to his house at [redacted] Shortly after arriving at his house, Vasquez left in [redacted] car nearly colliding with a responding LASD patrol car. Vasquez yelled at the deputies, "Fuck you! You ain't gonna get me! Fuck you! Fuck you!" Ultimately, Vasquez crashed [redacted] car into a light pole in front of [redacted]. After fleeing the scene, he entered the residence of [redacted] armed with

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the knife, but left when [redacted] said, "We have kids! We don't want any problems! Can you please get out?" Vasquez then frantically tried to open the side security door to [redacted] residence after kicking her front gate off of its hinges.

At approximately 1:20 p.m., Deputy Froilan Dinco confronted Vasquez in the 24000 block of South Avalon Boulevard, Carson. Vasquez was armed with a knife and five foot garden rake. After dropping the garden rake, Vasquez refused Deputy Dinco's commands to, "Drop the knife" and "Get down on the ground!" He walked toward Deputy Dinco yelling, "Fuck you motherfucker! Fuck you!" He then lunged at Deputy Dinco several times making "slicing and slashing" motions trying to stab him. Fearing great bodily injury and death, Deputy Dinco fired his service weapon a total of six times in two separate volleys of fire, fatally wounding Vasquez. Vasquez was transported to Harbor General Hospital where he was pronounced dead by Dr. Stanley Klein, M.D.

Marvin Vasquez' knife was found at the scene near his body, along with the five foot garden rake he held when first confronting Deputy Dinco. With one exception, numerous deputy and civilian witnesses corroborate Deputy Froilan Dinco and each other as to the facts surrounding the shooting. [redacted] initially was corroborative when he told investigators that Marvin Vasquez had a knife in his hand. But, later [redacted] recanted his earlier statement saying Vasquez had no weapon and that "he ([redacted]) must speak-up for the interests of the suspect's family." [redacted] recantation cannot be reconciled with the overwhelming amount of testimonial and physical evidence to the contrary.

On February 2, 2005, Deputy Medical Examiner Yulai Wang, M.D., performed an autopsy on the body of Marvin Vasquez. Finding five separate and distinct wounds, he ascribed the cause of death to be multiple gunshot wounds. Toxicological reports showed the presence of both amphetamine and methamphetamine in Vasquez' blood system. Vasquez was a member of the Wilmington criminal street gang [redacted] Vasquez was on parole for robbery at the time of this incident.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming such right that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams, (1977) 75 Cal.App. 3d 731.* In protecting oneself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person in the same or similar circumstances to be necessary to prevent the injury which appears to be imminent. *California Jury Instructions—Criminal (CALJIC), 5.30 AND 5.32.*

Actual danger is not necessary to justify the use of deadly force in self-defense or the defense of others. If one is confronted by the appearance of danger, which one believes would result in great bodily injury or death, and a reasonable person in the same position would so believe, one may act

upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. *People v. Toledo, (1948) 85 Cal.App. 2d 577.*

The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight....The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. *Graham v. Conner, (1989) 490 U.S. 386.* When peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins, (1961) 189 Cal.App. 2d 575.*

Marvin Vasquez threatened to kill his [redacted] He stabbed her with a knife, and then kidnapped both her and her young [redacted] After taking them to his house, he took her car, and nearly collided with a sheriff's patrol car while declaring his intention not to be arrested. Subsequently, he crashed [redacted] car, completed one residential burglary, and attempted another. When confronted by Deputy Froilan Dinco, Vasquez had just committed multiple violent felonies and was armed with a five foot garden rake and knife. He dropped the rake, but refused to drop the knife even after repeated commands to do so by Deputy Dinco. Numerous witnesses then saw Vasquez lunge at Deputy Dinco several times trying to stab him with the knife. Fearing for his safety, Deputy Dinco fired six rounds at Vasquez fatally wounding him.

Marvin Vasquez' actions placed Deputy Froilan Dinco in imminent danger of great bodily injury and death. We find that Deputy Dinco's use of deadly force was both reasonable and necessary, and that he acted in self-defense. Therefore, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By *William H. Johnson*

WILLIAM H. JOHNSON
Deputy District Attorney
(213)974-5089

c: Deputy Froilan Dinco, #[redacted]